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**F. No. 6/56/2020-DGTR  
Government of India  
Department of Commerce  
Ministry of Commerce & Industry  
(Directorate General of Trade Remedies) 4th Floor, Jeevan Tara Building,  
5, Parliament street, New Delhi – 110001**

Dated: 15<sup>th</sup> May, 2021

**INITIATION NOTIFICATION  
Case No- AD (OI)-48/2020**

**Subject: Initiation of Anti-Dumping Investigation concerning imports of —SOLAR CELLS WHETHER OR NOT ASSEMBLED INTO MODULES OR PANELS originating in or exported from China PR, Thailand and Vietnam.**

1. M/s Indian Solar Manufacturers Association (hereinafter also referred to as 'ISMA' or the 'applicant'), on behalf of (i) M/s Mundra Solar PV Limited, a unit in a Special Economic Zone ("SEZ unit"); (ii) M/s Jupiter Solar Power Limited, a unit in the Domestic Tariff Area ("DTA unit") and (iii) M/s Jupiter International Limited ("DTA unit"), has filed an application seeking initiation of an anti-dumping investigation concerning imports of 'Solar Cells whether or not assembled into modules or panels' (hereinafter referred to as the 'subject goods' or the 'product under consideration') originating in or exported from China PR, Thailand and Vietnam (hereinafter referred to as 'subject countries') before the Designated Authority (hereinafter referred to as the 'Authority') in accordance with the Customs Tariff Act, 1975 as amended from time to time (hereinafter referred to as the 'Act') and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time (hereinafter referred to as the 'Rules').
2. The Applicant has alleged that material injury is being caused to the domestic industry due to dumped imports of solar cells whether or not assembled into modules or panels, originating in or exported from the respective subject countries and has requested for imposition of the anti-dumping duty on the import of the subject goods originating in or exported from the subject countries.

**A. Product under consideration**

3. The product under consideration in the present petition is 'Solar Cells whether or not assembled into modules or panels' which is defined as follows:

Solar cells are also known as photovoltaic cells. Solar cell is a solid-state electrical device that converts sunlight directly into electricity by the photovoltaic effect. To make practical use of solar cells, they are placed in panels or modules and a solar panel/module is a packaged, connected assembly of solar cells. Electrical connections are made to the solar cells in series to achieve desired output wattage and/or in parallel to provide a desired current capability. Such an assembly of solar cells is called solar panel or solar module.

4. There are two major technologies available for manufacturing the subject goods. They are: (1) Crystalline silicon (c-Si) based solar cell technology which is also known as silicon wafer-based technology and (2) Thin film technology (TFT). The thin film technology may also use, Amorphous Silicon, Cadmium Tellurium (CdTe) or Copper Indium Gallium Selenium as semiconductor materials. Solar cells of both c-Si technology and Thin Film Technology are covered within the scope of the product under consideration.
5. Solar cells are also known as Photovoltaic Cells in the market parlance. Photovoltaic is the direct conversion of sun light into electricity at the atomic level. Some materials exhibit a property known as the photoelectric effect that causes them to absorb photons of light and release electrons. When these free electrons are captured electric current results, which can be used as electricity. Semiconductor materials such as silicon used in microelectronics industry possess such photoelectric effect. When light energy strikes the semiconductor material, electrons are knocked loose from the atoms in the semiconductor material. If electrical conductors are attached to the positive and negative sides, forming an electrical circuit, the electrons can be captured in the form of an electric current i.e. electricity.
6. The subject goods are classified under Customs Classification chapter heading 8541 40 11. When the subject goods are assembled into modules or panels, they are classified under 8541.10.12. However, the customs classification is indicative only and in no way binding on the scope of this investigation.

**B. Like Article**

7. The Applicant has claimed that there are no significant differences between the subject goods imported from the subject countries and that produced by the domestic industry. Accordingly, the subject goods produced by the applicant in India are, prima facie, treated as 'Like Article' to the subject goods being imported from the subject countries under Rule 2(d) of the Rules, for the purposes of this investigation.

**C. Domestic industry and Standing**

8. The application has been filed by Solar Manufacturer's Association on behalf of M/s Jupiter International Ltd (DTA unit), Jupiter Solar Power Ltd ("DTA Unit") and Mundra Solar PV Ltd ("SEZ Unit"). The Authority has considered the scope of domestic industry

restricted to DTA units i.e., Jupiter International Ltd and Jupiter Solar Power Ltd only in accordance with original/review finding dt 16.07.2018 and 18.07.2020 of the safeguard investigation of the same product. There are other producers of the subject goods in India. However, the Authority notes that the production of the two DTA units accounts for a 'major proportion' of total domestic production of the like article in India.

9. The Authority, therefore, determines that the two DTA units mentioned above constitute the domestic industry within the meaning of the Rule 2 (b) and the application satisfies the criteria of standing in terms of Rule 5 (3) of the Rules supra.

#### **D. Basis of Alleged Dumping**

##### **Normal Value – China PR**

10. The Applicant has submitted that the Normal Value for China PR should be determined as per Para 7 of Annexure I of the Anti-Dumping Rules, 1995 on any of the following basis:
  - a. the price in a market economy third country.
  - b. constructed value in a market economy third country.
  - c. the price from such a third country to other countries, including India.
  - d. Any other reasonable basis including the price actually paid or payable in India, adjusted to include a reasonable profit margin.
11. The Applicant has claimed that pursuant to the same, efforts were made to determine normal value on the basis of price or constructed value in a market economy third country, price from such a third country to other countries, including India. However, there is no verifiable evidence or published evidence regarding the same. Therefore, the applicant has claimed normal value in China PR for each of the subject goods on any other reasonable basis i.e. on the basis of cost of production in India, duly adjusted for selling, general and administrative expenses and reasonable profit margin.

##### **Normal Value – Thailand and Vietnam**

12. The Applicant made efforts to obtain evidence regarding actual transaction price of sale in the domestic market of Thailand and Vietnam. However, there is no publicly available information regarding actual transaction price of producers. Further, the published import statistics such as trade map do not give the unit of measurement in terms of kWh, in the absence of which it is not practicable to arrive at the per unit price at which the goods are exported from Thailand or Vietnam to an appropriate third country. Accordingly, normal value cannot be determined based on export price from subject country/ies to an appropriate third country. The Applicant made efforts to obtain actual cost of production of the subject goods in Thailand and Vietnam. However, no verifiable evidence was available. Therefore, the applicant has claimed normal value in Thailand and Vietnam on

the basis of basis of cost of production in India, duly adjusted for selling, general and administrative expenses and reasonable profit margin.

**E. Export Price**

13. The applicant has determined export price based on the weighted average import price from subject countries based on DGCI&S data. Export price has been adjusted for ocean freight, marine insurance, port expenses and handling charges, inland freight, commission, bank charges, credit cost and non-refundable VAT on exports, as applicable, have been made to arrive at the ex-factory export price.

**F. Dumping Margin**

14. Considering the normal value and export price of the subject goods from the subject countries determined as above, dumping margin has been determined, in accordance with Section 9A(1)(a) of the Act. It is noted that dumping margin for the subject goods from each of the subject countries is not only above de minimis level, but also significant. There is prima facie evidence that normal value of the subject goods in the subject countries are higher than the net export prices, thereby indicating that the subject goods originating in or exported from the subject countries are being exported at dumped prices, so as to justify initiation of investigation.

**G. Injury and Causal Link**

15. Information furnished by the applicant has been considered for assessment of injury of the domestic industry. The applicant has furnished evidence regarding material injury to the domestic industry resulting from the alleged dumping of the subject goods from the subject countries during the period of investigation. There is positive evidence of price undercutting and price suppression and price depression effect on the domestic industry. The domestic industry is able to sell under the Central Public Sector Undertaking (hereinafter referred to as 'CPSU') scheme but not in the open market in India. The volume of sale by the applicant is negligible during POI in the open market in which the imported goods compete with them. Even after making sales under the CPSU Scheme, unutilized capacity exists with the applicants. There is prima facie evidence of injury being caused to the domestic industry by dumped imports of the subject goods from the subject countries.

**H. Initiation of Anti-Dumping Investigation**

16. On the basis of the duly substantiated written application filed by the Applicant, and prima facie evidence submitted by the domestic industry, substantiating (a) dumping of 'Solar Cells whether or not assembled into modules or panels' originating in or exported from China PR, Thailand and Vietnam, (b) injury to the domestic industry, and (c) causal link between such alleged dumping and injury, and in accordance with Section 9A of the Act read with Rule 5 of the Rules, the Authority, hereby, initiates an investigation to determine the existence, degree and effect of any alleged dumping in respect of the products under consideration

originating in or exported from the subject countries and to recommend the amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

**I. Subject Country/ies**

17. The subject countries for this investigation are China PR, Thailand and Vietnam.

**J. Period of Investigation (POI)**

18. Keeping in view the COVID pandemic environment, the period of investigation (POI) for the present investigation is July 2019 to December 2020 (18 months). The injury period under investigation will cover the periods 2016-17, 2017-18, 2018-19, 2019-20 and the period of investigation.

**K. Procedure**

19. Principles as given in Rule 6 of the Rules will be followed for the present investigation.

**L. Submission of Information**

20. In view of the special circumstances arising out of COVID-19 pandemic, all communication should be sent to the Designated Authority via email at email addresses [adg11-dgtr@gov.in](mailto:adg11-dgtr@gov.in), [adv13-dgtr@gov.in](mailto:adv13-dgtr@gov.in), [jd13-dgtr@gov.in](mailto:jd13-dgtr@gov.in) and [dd17-dgtr@gov.in](mailto:dd17-dgtr@gov.in). It should be ensured that the narrative part of the submission is in searchable PDF/MS Word format and data files are in MS Excel format.

21. The known producers and/or exporters in the subject country, Governments of the subject countries through their Embassies in India, the importers and users in India known to be concerned with the subject goods and the domestic industry are being informed separately to enable them to file all the relevant information in the form and manner prescribed within the time-limit set out below.

22. Any other interested party may also make its submissions relevant to the investigation in the form and manner prescribed within the time-limit set out below.

23. Any party making any confidential submission before the Authority is required to make a non-confidential version of the same available to the other parties.

24. Interested parties are further advised to keep a regular watch on the official website of then Designated Authority <https://www.dgtr.gov.in/> for any updated information with respect to this investigation.

**M. Time-Limit**

25. Any information relating to the present investigation should be sent to the Designated Authority via email at the email addresses [adg11-dgtr@gov.in](mailto:adg11-dgtr@gov.in), [adv13-dgtr@gov.in](mailto:adv13-dgtr@gov.in), [jd13-dgtr@gov.in](mailto:jd13-dgtr@gov.in) and [dd17-dgtr@gov.in](mailto:dd17-dgtr@gov.in) within thirty days from the date of receipt of the notice as per Rule 6(4) of the Anti-Dumping Rules. If no information is received within the prescribed time-limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Rules.
26. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses within the above time limit.

**N. Submission of information on confidential basis**

27. Any party making any confidential submission or providing information on confidential basis before the Authority, is required to simultaneously submit a non-confidential version of the same in terms of Rule 7(2) of the Rules. Failure to adhere to the above may lead to rejection of the response / submissions.
28. The parties making any submission (including Appendices/Annexes attached thereto), before the Authority including questionnaire response, are required to file Confidential and Non-Confidential versions separately.
29. The “confidential” or “non-confidential” submissions must be clearly marked as “confidential” or “non-confidential” at the top of each page. Any submission made without such marking shall be treated as non-confidential by the Authority, and the Authority shall be at liberty to allow the other interested parties to inspect such submissions.
30. The confidential version shall contain all information which is by nature confidential and/or other information which the supplier of such information claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed.
31. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out (in case indexation is not feasible) and summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, the party submitting the confidential information may indicate that such information is not susceptible to summary, and a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

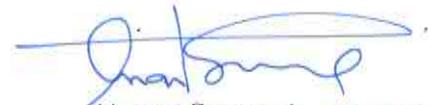
32. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is not warranted or if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.
33. Any submission made without a meaningful non-confidential version thereof or without good cause statement on the confidentiality claim shall not be taken on record by the Authority.
34. The Authority on being satisfied and accepting the need for confidentiality of the information provided, shall not disclose it to any party without specific authorization of the party providing such information.

**O. Inspection of Public File**

35. In terms of Rule 6(7) of the Rules, any interested party may inspect the public file containing non- confidential version of the evidence submitted by other interested parties. The modality of maintaining public file in electronic mode is being worked out.

**P. Non-cooperation**

36. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.



(Anant Swarup)

Joint Secretary & Designated Authority